



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, MARCH 18, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council member Council member Council member	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster
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7:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT
Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS
Haru Matsuri Festival Day
Japanese-American Community

PRESENTATIONS
Financial Condition of Fire District
County Fire Chief Sporleder
(See staff report included in this agenda.)

INTRODUCTIONS
"Dusty"
Police Canine

CITY COUNCIL REPORT

Mayor Pro Tempore Freeman

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually. Items pulled shall be discussed following Other Business agenda items.

1. A RESOLUTION CONTINUING LOCAL EMERGENCY

Recommended Action: Approve resolution.

2. FEBRUARY FINANCE AND INVESTMENT REPORT

Recommended Action: Accept and File Report.

3. APPROVE PURCHASE OF 150 KW GENERATOR FOR DIANA II WELL SITE

Recommended Action: Approve the purchase of an Olympian CD150 trailer (Klein KCT-2E-10000) mounted generator for the Diana II Well site from Peterson Power Systems, Inc.

4. APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH PINE BROOKS BUSINESS TRUST

Recommended Action: Approve the attached Subdivision Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Pine Brooks Business Trust (APN 764-32-025).

5. ACCEPTANCE OF IMPROVEMENTS FOR TECHNOLOGY DRIVE IN THE MORGAN HILL BUSINESS RANCH

Recommended Action: 1) Adopt the attached resolution accepting the improvements in Technology Drive and
2) Direct the City Clerk to file a Notice of Completion with the County Recorder's office.

6. AMENDMENT TO CONTRACT PROVIDING PUBLIC WORKS INSPECTIONS SERVICES ON AN AS-NEEDED BASIS

Recommended Action: Approve the attached amendment to the contract with Testing Engineers, Inc. (TEI) to increase the contract amount by \$20,000 and authorize the City Manager to execute the contract amendment.

7. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.-SUTTER BLVD**
Recommended Action: Approve the attached Subdivision Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Morgan Hill Development Partners, L.P., Sutter Blvd. (A portion of APN #726-25-015).
8. **APPOINTMENT TO THE CITY-COUNTY JOINT CHILD CARE COMMITTEE**
Recommended Action: Appoint Mary Hoshiko as Morgan Hill's Child Care Coordinator.
9. **APPROVAL OF A LABOR CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE MORGAN HILL POLICE OFFICERS ASSOCIATION (MHPOA)**
Recommended Action: Adopt a resolution to approve the attached Memorandum of Understanding with the Morgan Hill Police Officers Association for the period of July 1, 1997, through June 30, 1999.
10. **AMENDMENT TO MUNICIPAL CODE REGARDING CITY LEGAL HOLIDAYS**
Recommended Actions: 1) Waive the reading in full of the ordinance which repeals Sections 1.12.010 through 1.12.030 of the Municipal Code and replaces those sections with a new Section 1.12.010, and 2) introduce ordinance by title only.
11. **APPROVAL OF REGULAR MEETING MINUTES OF MARCH 4, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

12. **LIVE ENTERTAINMENT PERMIT FEE**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to adopt resolution establishing fees for Live Entertainment permits.
13. **REVISION TO CHAPTER 3.56 OF CITY CODE, DEVELOPMENT IMPACT FEE ORDINANCE**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only.

OTHER BUSINESS:

14. **INDUSTRIAL DEVELOPMENT UPDATE**
Recommended Action: 1) Receive presentation from Bob Engels and 2) discuss and provide direction to staff, if appropriate.
15. **CONTINUED CONSIDERATION OF REQUEST FROM IDI FOR TEMPORARY HALE AVENUE BRIDGE**
Recommended Action: Consider request from IDI.
16. **INTERIM LEGAL SERVICES DURING RECRUITMENT PERIOD FOR CITY ATTORNEY**
Recommended Action: Determine preferred alternative for operating during interim period.
17. **CITY COUNCIL POLICY REGARDING APPOINTMENTS TO COMMISSIONS, COMMITTEES AND BOARDS**
Recommended Action: Adopt City Council Policy 98-02.
18. **SUPPLEMENTAL QUESTIONNAIRES FOR PARKS & RECREATION AND LIBRARY COMMISSIONS**
Recommended Action: Approve supplemental questionnaires for the Parks & Recreation Commission and Library

Commission.

ROLL CALL VOTE: The title has previously been read, no second reading is required. (Government Code Section 36934)
Action -- Adopt Ordinance by roll call vote.

19. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1382, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Section 2.68.020 of the Municipal Code regarding Library Commission Membership.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT:

FUTURE COUNCIL AGENDA ITEMS:

1. Review terms for Planning Commissioners
2. City Manager employment agreement
3. Introduce new Director of Business Assistance and Housing and new Recreation Manager
4. Report on Madrone Area Study
5. Report on Dunne Avenue Study
6. Award contract for Street Crack Seal project
7. P.G. & E. Presentation regarding 1997 power outages
8. Closed Session regarding Nordstrom Park

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At 7:00 p.m. following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #12 and #13 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.